IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

NAG PUR BENCH, NAGPUR

Cri.Revn.Appln.No.147 of 2006

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Magistrate cannot be called perverse since the learned Magistrate has held that the wall collapsed after incessant rains on the preceding days and has also considered the contradictions in the evidence of the complainant and his wife who had suffered fractures in the incident. As regards contention of the learned counsel that the complainant had repeatedly told the accused to repair the wall, except for oral words, there is nothing even according to the learned counsel and therefore, such wisdom can obviously dawn after the incident and hence, it cannot be said that the view taken by the learned Magistrate is improbable and perverse. Hence, the application is rejected.

JUDGE

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